

REMARKS

Reconsideration of this application, as amended, is requested.

Claims 5-8 remain in the application. Original claims 1-4 have been canceled.

Original claims 1-4 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,979,945 to Hitachi et al. The Examiner considered the original claims to be product-by-process claims. The Examiner noted that process limitations cannot be relied upon to distinguish a product-by-process claim from the prior art.

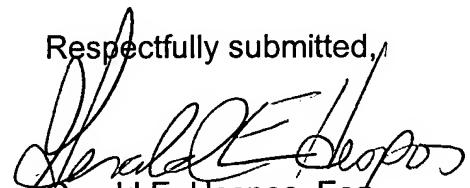
The reference relied upon by the Examiner is an earlier patent owned by the assignee of the subject invention and was cited to the Examiner in the Information Disclosure Statement filed with this application. Hence, the applicants herein are familiar with the teaching of Hitachi et al. The applicants also agree with the Examiner's conclusion that process limitations will be helpful for distinguishing over Hitachi et al. However, there are also structural differences between the subject invention and the assignee's earlier Hitachi et al. common rail injection system. New claim 5 is believed to recite structural limitations that distinguish this invention patentably from Hitachi et al. In particular, new claim 5 and its dependent claims clearly indicates that the main pipe rail is formed from a transformation induced plastic type strength steel (TRIP steel). At least a portion of the main pipe rail in proximity to the branch hole is processed into residual austenite. An inner surface of the main pipe rail in proximity to the branch hole has a compression residual stress therein for defining a process induced martensite. These structural limitations lead to significant functional and manufacturing advantages

as explained in considerable detail in the subject application. These structure differences between the invention defined by claim 5 and its dependent claims also distinguish the common rail injection system of claim 5 from the assignee's earlier Hitachi et al. reference. In particular Hitachi et al. has no pressure induced martensite at the claimed locations.

New claim 8 defines the invention entirely as a process. It is believed that the Examiner should accept the process limitations of new claim 8 without a restriction requirement. In particular, process limitations were recited in the claims filed with this application.

It is submitted that the new claims represented herein defined patentable subject matter and allowance is solicited. The Examiner is urged to contact applicant's attorney at the number below to expedite the prosecution of this application.

Respectfully submitted,



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